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15 Attorneys for Plaintiffs

16 **IN THE SUPERIOR COURT OF THE STATE OF ARIZONA**

17 **IN AND FOR THE COUNTY OF COCHISE**

18 DEVAN KINGERY, a single woman,
19 and ELIZABETH DURAZO, a single
20 woman,

21 Plaintiffs,

22 - vs -

23 COCHISE COUNTY, a political
24 subdivision of the State of Arizona;
25 MARK DANNELES, in his official
26 capacity as Cochise County Sheriff;
27 DOUG PACKER and JANE DOE
PACKER, a married couple,

Defendants.

Case No.:

COMPLAINT

Judge _____

1 **PARTIES, VENUE, AND JURISDICTION**

2 1. Defendant Cochise County is a governmental entity liable for the actions,
3 operation, and supervision of the Cochise County Sheriff's Department and its
4 employees, agents, and apparent agents in the course and scope of their agency.

5 2. The Cochise County Sheriff is a County Officer and the Sheriff of the
6 County. Defendant Mark Dannels is the current Cochise County Sheriff and is joined
7 in his official capacity. Defendant Mark Dannels was at all relevant times a resident
8 of Cochise County.

9 3. Defendants Doug Packer and Jane Doe Packer were at all relevant times
10 residents of Cochise County or are otherwise subject to the personal jurisdiction of
11 this Court.

12 4. All events alleged occurred in Cochise County, Arizona.

13 5. The Court has jurisdiction over this matter.

14 6. Venue is proper in Cochise County.

15 7. Defendant Jane Doe Packer is named solely to join the marital
16 community of Defendant Doug Packer. Defendant Doug Packer was presumptively
17 acting on behalf of and for the benefit of the marital community.

18 8. At all relevant times, Defendant Doug Packer was an employee and/or
19 agent of Defendant Cochise County Sheriff Mark Dannels and Defendant Cochise
20 County, and was acting within the course and scope of his employment and/or agency.
21 Defendant Mark Dannels and Cochise County knew of Defendant Doug Packer's
22 propensity to engaging in inappropriate consensual and nonconsensual sexual acts
23 with inmates and are vicariously liable for Defendant Doug Packer's conduct.

24 9. This case is subject to discovery Tier III as defined by Ariz. R. Civ. P.
25 26.2(c)(3).

26 **FACTS**

1 10. Plaintiff Devan Kingery and Plaintiff Elizabeth Durazo were housed in
2 the Cochise County Jail as roommates.

3 11. Shortly after her arrival at the Jail, Plaintiff Devan Kingery requested to
4 visit the jail chaplain, Defendant Doug Packer, to participate in Bible study.

5 12. During Plaintiff Devan Kingery's visits with Defendant Doug Packer, he
6 began to make inappropriate comments to her. She felt uncomfortable around him
7 and stopped requesting to participate in Bible study with him.

8 13. Defendant Doug Packer, using authority granted to him by Defendant
9 Mark Dannels and Defendant Cochise County, began to pull Plaintiff Devan Kingery
10 into his office without her requesting to see the chaplain first. This became a regular
11 occurrence.

12 14. In late 2018, as Plaintiff Devan Kingery was leaving Defendant Doug
13 Packer's office, he kissed her on the lips without her consent. She immediately
14 pushed him away and told him not to do that.

15 15. Plaintiff Devan Kingery told Plaintiff Elizabeth Durazo about what
16 Defendant Doug Packer had done.

17 16. On or about January 2, 2019, Defendant Doug Packer again called
18 Plaintiff Devan Kingery into his office. When she told him that she told Plaintiff
19 Elizabeth Durazo about what he did, Defendant Doug Packer became very angry,
20 approached Plaintiff Devan Kingery and pinned her to the chair she sat in.

21 17. While he had her pinned to her chair, Defendant Doug Packer sexually
22 assaulted Plaintiff Devan Kingery, kissing her, grabbing her breasts underneath her
23 clothing, and touching her genitals underneath her clothing.

24 18. Plaintiff Devan Kingery was eventually able to push Defendant Doug
25 Packer off, and she demanded to leave his office.

26 19. After an extended period after Plaintiff Devan Kingery demanded to
27 leave, Defendant Doug Packer finally allowed Plaintiff Devan Kingery to leave.

1 When she returned to her cell, Plaintiff Devan Kingery informed Plaintiff Elizabeth
2 Durazo what occurred.

3 20. On or about January 4, 2019, Defendant Doug Packer again pulled
4 Plaintiff Devan Kingery into his office.

5 21. When she arrived in his office, Defendant Doug Packer demanded to
6 know if Plaintiff Devan Kingery had told anyone what had occurred two days prior.
7 She informed him that she had told Plaintiff Elizabeth Durazo.

8 22. Defendant Doug Packer then told other jail personnel to bring Plaintiff
9 Elizabeth Durazo to his office.

10 23. While waiting for Plaintiff Elizabeth Durazo to arrive, Defendant Doug
11 Packer repeated the sexual assault of two days prior, pinning Plaintiff Devan Kingery
12 to the chair she sat in, kissing her, grabbing her breasts underneath her clothing, and
13 touching her genitals underneath her clothing. In addition, he grabbed her hand and
14 attempted to force her to touch his penis over his clothing. She was able to force him
15 off.

16 24. When Plaintiff Elizabeth Durazo arrived, Defendant Doug Packer asked
17 her what she knew. Plaintiff Elizabeth Durazo responded that she knew of everything
18 he had done to Plaintiff Devan Kingery.

19 25. Defendant Doug Packer then told Plaintiffs Devan Kingery and Elizabeth
20 Durazo that he wanted a "pre-show" and told them to kiss each other. Both women
21 refused.

22 26. Defendant Doug Packer ordered Plaintiff Elizabeth Durazo to sit in the
23 corner of his office facing Defendant Doug Packer and Plaintiff Devan Kingery.

24 27. Defendant Doug Packer then walked behind Plaintiff Devan Kingery,
25 lowered his pants, grabbed her by the hair, twisted her head back, forced his penis into
26 her mouth, and continued sexually assaulting her until he ejaculated on her and on the
27 floor.

28. Defendant Doug Packer then ordered Plaintiff Elizabeth Durazo to clean up the ejaculate off Plaintiff Devan Kingery and the floor.

29. Plaintiffs Devan Kingery and Elizabeth Durazo were eventually escorted out of Defendant Doug Packer's office.

30. Plaintiffs Devan Kingery and Elizabeth Durazo reported the incident to jail officials that day. Defendant Doug Packer was subsequently arrested and is currently facing criminal charges.

31. Based on information and belief, Defendant Doug Packer had engaged in similar sexual conduct with inmates prior to the incidents described above, and this propensity to engage in such conduct was known to other employees and officials of Defendant Cochise County and the Cochise County Sheriff's Department.

32. Based on information and belief, no steps had been taken by Defendants Cochise County or Mark Dannels to prevent or admonish this prior conduct, or to discipline Defendant Doug Packer.

COUNT I: ASSAULT

33. Defendant Doug Packer intended to cause harmful and offensive contact with Plaintiff Devan Kingery on multiple occasions by kissing her, touching her, and engaging in sexual acts with her without her consent.

34. Defendant Doug Packer intended to cause apprehension of an immediate harmful or offensive contact with Plaintiff Elizabeth Durazo.

35. Defendant Doug Packer caused apprehension of an immediate harmful or offensive contact with Plaintiffs Devan Kingery and Elizabeth Durazo.

COUNT II: BATTERY

36. Defendant Doug Packer intended to harmfully or offensively contact Plaintiff Devan Kingery on multiple occasions by kissing her, touching her, and engaging in sexual acts with her without her consent.

COUNT III: INTENTIONAL INFLICTION OF EMOTIONAL DISTRESS

1 37. Defendant Doug Packer's intentional conduct toward Plaintiffs Devan
2 Kingery and Elizabeth Durazo was extreme and outrageous.

3 38. Defendant Doug Packer's extreme and outrageous conduct caused
4 Plaintiffs Devan Kingery and Elizabeth Durazo severe emotional distress.

5 **COUNT IV: NEGLIGENT SUPERVISION**

6 39. Defendant Mark Dannels and Defendant Cochise County knew of
7 Defendant Doug Packer's propensity to engaging in inappropriate consensual and
8 nonconsensual sexual acts with inmates during the course and scope of his
9 employment.

10 40. Despite this knowledge, Defendant Mark Dannels and Defendant
11 Cochise County took no supervisory action to discipline Defendant Doug Packer or to
12 otherwise prevent him from engaging in such conduct with Plaintiffs Devan Kingery
13 and Elizabeth Durazo.

14 41. Defendant Mark Dannels and Defendant Cochise County acted in
15 reckless indifference to the results of their actions, and the rights or safety of Plaintiffs
16 Devan Kingery and Elizabeth Durazo, in their failure to adequately supervise
17 Defendant Doug Packer.

18 42. As a direct and proximate result of Defendant Mark Dannels's and
19 Defendant Cochise County's negligent failure to supervise Defendant Doug Packer,
20 Plaintiffs Devan Kingery and Elizabeth Durazo were severely harmed.

21 **COUNT V: NEGLIGENT RETENTION**

22 43. Defendant Mark Dannels and Defendant Cochise County knew that
23 Defendant Doug Packer had engaged in similar sexual conduct with inmates prior to
24 the incidents described above.

25 44. Despite the fact that Defendant Mark Dannels and Defendant Cochise
26 County knew of Defendant Doug Packer's prior bad acts with inmates, they did not
27 terminate his employment.

1 45. Defendant Mark Dannels and Defendant Cochise County negligently
2 retained Defendant Doug Packer.

3 46. As a direct and proximate result of Defendant Mark Dannels's and
4 Defendant Cochise County's negligent retention of Defendant Doug Packer, Plaintiffs
5 Devan Kingery and Elizabeth Durazo were severely harmed.

6 **DAMAGES**

7 47. As a result of Defendants' conduct, Plaintiffs Devan Kingery and
8 Elizabeth Durazo suffered severe and permanent emotional and mental distress, loss
9 of enjoyment of life, and will continue to suffer emotional and mental distress, loss of
10 enjoyment of life, psychological treatment, loss of earning capacity, and loss of
11 income in the future.

12 WHEREFORE Plaintiffs seek judgment against Defendants as follows:

- 13 A. For compensatory damages;
14 B. For taxable costs;
15 C. For pre and post judgment interest;
16 D. Such other relief as is just and proper.

17
18 DATED October 23, 2019

19 MILLER, PITT, FELDMAN & McANALLY, P.C.

20
21 By: /s/Nathan B. Webb

22 Peter Timoleon Limperis
23 Nathan B. Webb
24 Attorneys for Plaintiff
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